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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/481,196	01/11/2000	PAUL MATTHEW PIRILLO	8461	5306

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EXAMINER

CHANG, SABRINA A

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 11/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/481,196

Applicant(s)

PIRILLO, PAUL MATTHEW

Examiner

Sabrina Chang

Art Unit

3625

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

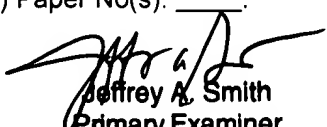
Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


Jeffrey A. Smith
Primary Examiner

Continuation of 5. does NOT place the application in condition for allowance because: The applicant's arguments have not been found persuasive. The applicant asserts that the examiner has not adequately addressed the recitation of the system's ability to receive customer information and generate customer-specific selectable options which facilitate commercial transactions. While the examiner concedes that there is no explicit discussion of a "terminal data manager" or a "terminal support manager", the lack of these specific terms in Heutschi does not then preclude its qualification as prior art.

Heutschi specifically addresses a user's remote access of a centralized system for accounting/payment processing [Fig.1] as well as product information. Examiner reasserts that this disclosure sufficiently reads on the claims as recited. The user uses a portable device, that is capable of storing and displaying data [Figs. 1 and 2] to access an automatic distributor [Col 1, Line 56], to purchase and download digital media [Figs. 4-9]. The automatic distributor/kiosk does not store the digital media or the customer information itself, but rather via the Internet accesses a remote repository of information. The remote repository manages the media, accounting and inherently information about the user - evidenced by the explicit recognition of the user through a pin number, credit card or other means [Col 4, Line 57]. Heutschi explicitly discloses the transmission of a catalog from the governing system - via the terminal and then the user's portable device - that is "targeted on the requirements and shopping habits of the user" [Figure 9]. The system stores in a centralized location, user-specific information - financial or otherwise. Applicant's claims simply describes a remote customer database that is used to facilitate customer-specific marketing. Generally, the examiner respectfully asserts that such targeted customer marketing is a well known business practice. Specifically, Heutschi's catalog display that is "targeted" to the shopping habits of the user is sufficient to demonstrate exercise of this practice.

In specific response to the applicant's assertion that the recitation of claim 9 has not been met, the examiner respectfully reasserts that the combination of Heutschi and McManus IS proper because both systems do explicitly deal with kiosks. Heutschi's purpose is to provide a user with a means of obtaining media or products in a retail environment. The means by which they take that media with them, whether downloaded on their device or onto a CD, does not in and of itself lend to an unexpected result or an improvement to the system..